

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:10-cr-00031
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	MAGISTRATE JUDGE DAVID A. RUIZ
HERSIE L. WESSON,)	
)	REPORT AND RECOMMENDATION
Defendant.)	SUPERVISED RELEASE VIOLATION

This matter was referred to the undersigned to conduct revocation proceedings and file a report and recommendation. The Court held a revocation hearing on December 16, 2016. The defendant, Hersie L. Wesson, was present and Gregory S. Robey was appointed to represent the defendant. Assistant U.S. Attorney Kevin R. Filiatraut appeared on behalf of the government. Probation Officer Valencia Small also attended.

The defendant understood the charges and knowingly and voluntarily admitted to the three violations as outlined in the violation report dated 12/9/2016; that is,

1) Violation of Court Order - The defendant was ordered by the Court to enter the Open Door Program. Mr. Wesson failed to report to the program on September 30, 2016, as instructed.

2) Failure to Report to Probation Office as Directed - The defendant was instructed to report to the probation office on November 16, 2016, but failed to do so.

3) New Law Violation - On December 2, 2016, Mr. Wesson was charged with providing false information, to a police officer. He pled guilty to falsification on December 5, 2016, and was given credit for time served.

This Court recommends a finding that the defendant violated the terms of his supervised release.

The government moved for detention and offered clear and convincing evidence that the defendant consistently fails to appear as ordered by the court and as directed by the probation officer. The probation officer concurred and stated that the defendant's whereabouts have been unknown since October, 2016. Additionally, the defendant previously violated his conditions of supervised release in this matter and was sentenced to a term of 8 months custody on February 5, 2016. The Court finds that detention is appropriate as the defendant has a history of failure to appear for court or reporting as instructed by the probation office and failure to abide by the terms of supervised release.

The defendant is remanded to the custody of the Attorney General or his designated representative pending sentencing before Judge Boyko.

DATE: December 16, 2016

s/ David A. Ruiz
DAVID A. RUIZ
U.S. MAGISTRATE JUDGE

OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after the party objecting has been served with a copy of this Report and Recommendation. Failure to file objections within the specified time may waive the right to appeal the District Court's order. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). See also Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).